

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UBS AG, LONDON BRANCH,

Plaintiff,

v.

GREKA INTEGRATED, INC.,

Defendant.

ORDER

WIWD Case No. 22-mc-10-slc

NYSD Case No. 19 civ 10786 (LLS)(KNF)

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Defendant GIT, Inc., f/k/a Greka Integrated Inc., and Randeep Grewal (Movants) have moved to quash a rule 45 third-party subpoena duce tecum served by UBS AG, London Branch (UBS) on Steven Demott, who is located in Thorp Wisconsin, within this judicial district. *See* dkts. 1 (Motion), 2 (brief in support) and 3 (Berry declaration & 18 exhibits). UBS has responded in opposition. *See* dkts. 10 (brief in opposition) and 11 (Huang declaration & 7 exhibits). Movants timely replied. *See* dkts. 13 (brief) and 14 (Berry Declaration and 3 exhibits).

Having read all of these submissions, this court determines that, pursuant to Rule 45(f), exceptional circumstances exist that militate toward transferring this motion to the issuing court in the Southern District of New York. Mr. Demott, the recipient of the subpoena, doesn't oppose complying with it; the dispute is between the parties in the underlying case, which has nothing to do with this judicial district or this state. There is substantial history between the parties and a great deal of context to the underlying lawsuit, all of which is familiar to the presiding court; as a result, that court may have substantive and equitable views about what has happened so far and what should happen next in the underlying lawsuit. The presiding court also may have choice-of-law preferences that it should be able to exercise without deferring to a court 900 miles west with no stake in the outcome. Ordinarily this court handles Rule 45 motions as a matter of routine, but nothing about the instant motion is ordinary. The issuing/presiding court is in the best position to make the appropriate ruling on Movant's Motion To Quash.

ORDER

IT IS ORDERED that the Motion of GIT, Inc. And Randeep Grewal To Quash the Document Subpoena Served upon Steven Demott is TRANSFERRED to the issuing court in the Southern District of New York pursuant to F.R. Civ. Pro. 45(f).

Entered this 23<sup>rd</sup> day of February, 2023.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge